

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DIEGO M. RODRIGUEZ,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of  
Social Security

Defendant.

Case No. C09-5241BHS-KLS

**ORDER REGARDING PLAINTIFF'S  
MULTIPLE MOTIONS**

This matter comes before the Court on plaintiff's filing of two motions to demand this case be assigned to a district judge (Dkt. #7, #10) and two motions for *mandamus* relief (Dkt. #8-#9). After reviewing those motions and the remaining record, the Court hereby finds and orders as follows:

On April 23, 2009, plaintiff filed a motion for *mandamus* relief, apparently in place of or substitution for a civil complaint. (Dkt. #1). The two current motions for *mandamus* relief were filed with the Court on May 1, 2009, and appear to consist solely of a cover page requesting such relief and citing to 28 U.S.C. § 1361, but little else. (Dkt. #8-#9). Given that these “motions” do not contain any factual basis or argument in support thereof, and that plaintiff already has filed a

## ORDER - 1

1 motion for *mandamus* relief to initiate this proceeding, both motions (Dkt. #8-#9) hereby are  
2 DENIED.

3 In regard to the two current motions to demand this case be assigned to a district judge,  
4 which were filed on May 1, 2009, as well, plaintiff already filed a motion making such a request  
5 in this matter (Dkt. #4), which the Court previously denied (Dkt. #5) on that same day. As such,  
6 those motions are both moot and duplicative, and accordingly they (Dkt. #7, #10) hereby also are  
7 DENIED.

8 The Clerk is directed to send a copy of this Order to counsel for plaintiff.

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10 DATED this 28th day of May, 2009.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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